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Forty-seventh session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 28 February 1991, at 10 a.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

later: Mr. MARTIUS (Germany)

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(d) Draft Programme of Action for the prevention of the sale of children, child prostitution and child pornography (continued)

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The meeting was called to order at 10.25 a.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) DRAFT PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (agenda item 24) (continued) (E/CN.4/1991/50 and Add. 1, 51, 58 and 59; E/CN.4/1991/NGO/23; A/RES/45/104)

1. Mr. MUNTARBHORN (Special Rapporteur on the Sale of Children), introducing his report on the sale of children (E/CN.4/1991/51), said that he wished first of all to thank all the members of the Commission, the Centre for Human Rights, the Under-Secretary-General for Human Rights and, in particular, the Special Procedures Section, as well as everyone else who had helped him in his work. Since his appointment dated only from September 1990, the document which he was introducing was merely a preliminary report, dealing with the approach to the problems concerned and prospects for the future rather than with specific cases, which would be covered in the next report, scheduled for late 1991.

2. The real situation concerning the sale of children was even more tragic than media reports indicated. It was a universal phenomenon which occurred in developed as well as developing countries. It was exacerbated by unabashed consumerism, modern technology and rapid communications. Unfortunately, it was not merely the "business" of a few individuals; there was an entire international network based on criminal elements which profited from it.

3. Perhaps the first challenge was that of defining the sale of children. The term "child" itself was governed by different age criteria in different countries. While the Convention on the Rights of the Child (1990) placed the transition to adulthood at 18 years, instruments adopted by ILO had set the minimum age for employment at 15 years, with a possible reduction to 14 years in developing countries. The concept of "sale" was just as vague. He himself considered that it was essential not to be too legalistic; it was better to opt for a broad concept covering both adoption for commercial purposes and the sale of children with a view to using them as forced labour or for organ transplants. The concept of "sale" also covered child prostitution and pornography.

4. Adoption had been a traditional way of finding a new home for a child whose natural parents were unable or unwilling to care for it. However, in recent years, there had been a growing "demand" for children in the developed countries and a growing "supply" in the developing countries, trends which had increased trafficking in children. Safeguards were therefore required on both the supply side and the demand side. The phenomenon of child labour was wide-ranging and complex, and there were widely varying estimates of the number of children involved. It was quite clear that punitive legislation was not enough and that social, economic, political and budgetary measures were also necessary. Since ILO and other organizations were already dealing with

some aspects of the problem, in his next report he would confine himself to specific cases. As to the question of organ transplants, it had given rise to numerous rumours and denials. While some of the allegations should undoubtedly be treated with caution, there was nevertheless a need for safeguards along the lines of the guiding principles which had recently been adopted by WHO. Laws of the type adopted by certain countries were not sufficient.

5. The phenomenon of child prostitution could be explained partly by the extreme poverty in certain countries and partly by certain national and international sexual practices and attitudes. Although there were laws against it, they were not sufficient to control the problem, and action was needed not only for the victims of prostitution, but also for their families through education, employment and social assistance. Action geared to the "customer", the adoption of legal penalties and efforts to change people's attitudes were also needed. The phenomenon of child pornography, which generally made use of audiovisual media, was becoming more complicated as technology improved. Although there were all sorts of laws in that area, their enforcement was far from effective, and the same was true of measures to remove the root causes of the phenomenon and rehabilitate offenders.

6. Although the reasons behind the sale of children were generally well known, measures to combat it were often inadequate. More effective programmes, policies and budgetary measures were needed, along with measures to eliminate demand as well as supply.

7. At the international level, States should be encouraged to accede to the relevant international instruments, of which the most recent was the Convention on the Rights of the Child. Mention should also be made of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by heads of State at the World Summit for Children in September 1990. Among United Nations bodies, reference should be made to the Working Group on Contemporary Forms of Slavery, which had a programme of action on the sale of children. It was likewise undeniable that the International Criminal Police Organization (Interpol) had a decisive role to play in ensuring observance of the law, and that institutions such as the World Tourism Organization, the World Bank, the International Monetary Fund and the United Nations Development Programme, as well as certain bilateral aid organizations, should be more closely associated with activities in that area.

8. In a national context, efforts should be made to enforce or update, existing laws and specific action should be taken to help needy families. Many countries had also adopted specific development plans for children. In order to guarantee the effective implementation of those plans, governments should have recourse to community participation and involve non-governmental organizations (NGOs) and industry, in particular, without neglecting efforts to influence the "customer".

9. Despite the very short time he had been allotted, he had been able to draw up a number of recommendations based on an analysis of the information available . Firstly, it seemed that a more detailed study of the phenomenon was needed, particularly in order to identify specific cases and to establish

supply and demand profiles. A network of contacts should also be established, which would provide an information base and elicit more substantial proof concerning specific cases. There was also a need for better analysis of the root causes of the phenomenon and identification of the requisite measures, not only in the field of legislation, but also in respect of Governments' willingness to take political and social action, programmes, development assistance and budgetary commitments. The international aspect of the sale of children and child prostitution and pornography called for more initiatives, regional and bilateral as well as multilateral. More information was needed on measures already taken to regulate adoption by foreigners and combat paedophilia; there was also a need to collect information on legislation, including the implementation of local laws, while specifying the further action needed. A questionnaire was being drawn up to produce the missing data and statistics on all those problems. He might need to visit a number of countries, and regional consultations might be necessary in order to increase awareness and achieve closer collaboration among all those concerned. In addition, a special procedure could be drawn up for immediate action in urgent cases, in line with United Nations practice. At the same time, there was a need for greater collaboration between child aid agencies and all persons and bodies on whom children's lives depended, namely, parents, consumers, vocational associations, law enforcement officials and community organizations.

10. Some of the obstacles identified in the preliminary report were not only economic, but also socio-cultural, such as anti-feminism or the idea that a child was the property of its parents. Laws in themselves would never be sufficient to modify such behaviour, and education and information activities should be given practical encouragement. Lastly, it was clear that, although means for the punishment of abuses did exist, the implementation process left a great deal to be desired, and consideration should therefore be given to measures to encourage the organizations and players concerned, particularly police forces, to carry out their duties in that area more effectively.

11. Mr. RONQUIST (Sweden) noted with satisfaction that 74 States had become parties to the Convention on the Rights of the Child 13 months after it had been opened for signature and ratification. Sweden had ratified the Convention on 29 June 1990. Such international support was unprecedented in the history of the United Nations; other human rights conventions had taken years to enter into force.

12. But was the situation of children improving? The violations of the rights of the child which had been reported in countries that were parties to the Convention raised the question whether all the countries which had ratified it had done so in complete sincerity and with an overriding concern for children's interests. Nevertheless, ratification of the Convention was a very important step, and all States should be encouraged to accede to it.

13. The Convention laid down essential principles in many areas, notably in respect of children's survival and development from their earliest years up to adolescence, with particular emphasis on children living in especially difficult circumstances, which were encountered in all countries of the world. Because the Convention was meant to be a yardstick for national rules and practices affecting children, it was essential that its principles and provisions should be widely disseminated among children and adults.

Accordingly, the Swedish Government had earmarked for NGOs the sum of 10 million Swedish kronor for information and educational activities and had widely circulated the text of the Convention in specially produced publications. Individuals must know their rights before they could exercise them. For that reason, children must be given information about the Convention in a language they could understand; that was particularly relevant to children from minority groups or children of foreign origin. International cooperation to that end should be encouraged. In the same way, article 29 of the Convention stated that the education of the child should be directed, inter alia, to the development of respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the United Nations.

14. The Committee on the Rights of the Child, which had been elected in New York on the previous day, had an important task: it would not only consider State party reports, but would also encourage international cooperation in the areas covered by the Convention by providing a link between States parties, UNICEF, other United Nations agencies and NGOs. The need for international cooperation was stressed in several articles of the Convention, with particular emphasis on the needs of developing countries in respect of the rights of disabled children, the child's right to enjoy the highest attainable standard of health and the elimination of illiteracy.

15. Turning to Mr. Muntarbhorn's report on the sale of children (E/CN.4/1991/51), his delegation entirely shared the Special Rapporteur's opinion about the need for comprehensive multidisciplinary measures. The Special Rapporteur, who had rightly pointed out that the concept of the sale of children was not completely clear, should, when carrying out his mandate, concentrate particularly on the issue of exploitation of children, a concept which usually entailed the action of another person benefiting from the child in violation of the child's rights. The Special Rapporteur had also stressed that abuse was often due to the fact that, in some societies, children were considered as the property of their parents. With the Convention's entry into force, the international community had acknowledged that the child, too, had his own dignity and rights.

16. However, a legislative framework to outlaw child exploitation was not enough and, as the Special Rapporteur had pointed out, the world must first admit that the problem existed, identify its root causes and take long-term multidisciplinary action, including budgetary commitments, with the necessary political will at the national and international levels. Efforts to combat child exploitation depended not only on incentives within the context of international cooperation, but also on the attitudes of States themselves, which must unanimously reject the practice.

17. Sweden, too, considered that it would be advisable to establish a network of contacts and an information base at the national and international levels, and to set up an urgent-action procedure based upon past experience in the United Nations system, in order to bring more rapid help to the victims of exploitation in all countries of the world.

18. To sum up, his delegation fully supported the Special Rapporteur's plans for future action and looked forward to his next report.

19. Mr. LINDGREN ALVES (Brazil) noted with satisfaction the entry into force of the Convention on the Rights of the Child and the successful convening of the World Summit for Children. Those two events showed the determination of the international community to act decisively to protect children and promote observance of their rights. His delegation hoped that the implementation, in conjunction with UNICEF, of the World Declaration on the Survival, Protection and Development of Children and of the Plan for Implementing the World Declaration in the 1990s, adopted by the World Summit, would bring tangible benefits for children all over the world, and especially in the developing countries.

20. Brazil had ratified the Convention on the Rights of the Child on 14 September 1990, but even earlier, on 13 July 1990, the National Congress and the President of the Republic had enacted the Statute on Childhood and Youth, a fundamental instrument which specified the obligations of the family, the community, society in general and the Government with regard to respect for the rights of the child and laid down the penalties applicable to persons responsible, through their actions or failure to act, for offences against children. A wide-ranging information campaign had been launched, through the media, in Brazil to publicize that new legislation and make people more aware of the obligations and responsibilities of every individual towards children. The Statute constituted a code of conduct that was binding in all police stations, schools and hospitals, and it also determined criminal responsibility and penalties for acts of ill-treatment or neglect of children. In addition, the Government had adopted many measures to ensure that the Statute was enforced. In particular, a priority project was being drawn up to improve the situation of children in the areas of education, nutrition and housing and to combat violence against children and adolescents. It would be implemented under the guidance of the Ministry of Health, in conjunction with the private sector. Among the child defence organizations in Brazil, he would mention the new Centre for Childhood and Youth, which dealt with young offenders and endeavoured to make correctional institutions more open and more humane, with the aim of preparing young people for normal life in society rather than punishing them. The Centre worked in close cooperation with NGOs to that end.

21. The Brazilian Council for the Defence of the Rights of the Individual, chaired by the Minister of Justice and composed inter alia of deputies and representatives of the national Bar Association, the judiciary, the federal police and other institutions, had set up a special commission to consider the problem of violence against children. The commission had already submitted a plan of action to the Government to combat the phenomenon. The Government had approved the plan and was preparing to implement it.

22. Brazil was determined to do everything in its power to improve the situation of Brazilian children, a determination that had been strengthened by the commitments to young people entered into by the international community during the World Summit for Children. President Collor had, on that occasion, stressed that improved living conditions for children in real terms were dependent on socio-economic development, improvement of the general standard of living and the creation of an international economy which would do away with the present imbalances.

23. Mrs. SPASIC (Yugoslavia) said that the adoption of the Convention on the Rights of the Child by the General Assembly in 1989 and its entry into force on 2 September 1990 showed the determination of the international community to give special protection to children, on whose fate the development of mankind depended. Yugoslavia had not stopped at ratifying the Convention as its contribution to the common effort to ensure the well-being of all the children of the world; the text of the Convention had been translated and widely disseminated throughout the country, measures had been taken to bring national legislation into line with its provisions, and round-table discussions had been held, as well as surveys among children to learn their views about the Convention and the rights they enjoyed under it.

24. The World Summit for Children, in which Yugoslavia had played an active part, had marked a new stage in efforts to solve children's problems, create a favourable context for the development of young people and determine what forms of protection they needed. By adopting the World Declaration on the Survival, Protection and Development of Children, the participants in the Summit had made a solemn commitment to give priority to the rights of the child, and to work together and in their own countries to ensure the success of the Plan of Action for Implementing the Declaration.

25. No one should forget that many children were still victims of war, aggression and all kinds of violence - her delegation was thinking particularly of Kuwaiti and Iraqi children - or were obliged to leave their homes and share the fate of their refugee parents. Many, too, suffered from poverty and, in general, they all too often suffered from the economic difficulties experienced by their countries. For that reason, too, the international community had a moral obligation to try to resolve the serious economic difficulties of developing countries. It should spare no effort to create conditions conducive to more rapid socio-economic development in developing countries and to find a solution to the difficulties and sufferings of children throughout the world. In particular, her delegation hoped that the problem of migrant children would receive more satisfactory attention than it had done in the past, including in the Convention on the Rights of the Child.

26. In conclusion, her delegation wished to express its satisfaction with the very detailed report of Mr. Muntarbhorn, the Special Rapporteur, (E/CN.4/1991/51), in which he examined the root causes and consequences of the sale of children.

27. Mrs. MEZA (Venezuela) observed that the appointment of a Special Rapporteur on the sale of children, child prostitution and child pornography had been recommended by the Sub-Commission's Working Group on Contemporary Forms of Slavery, which had also proposed a "programme of action" to combat those phenomena in its report on its fourteenth session (E/CN.4/Sub.2/1989/39).

28. Her delegation congratulated Mr. Muntarbhorn the Special Rapporteur, on his preliminary evaluation of the question contained in his report (E/CN.4/1991/51). It shared the Special Rapporteur's view that the term "sale of children" should be interpreted more broadly and should essentially be taken to mean "the exploitation of the child, which usually entails the action of another benefiting from the child in violation of his/her rights". The

first practice to be condemned must be the sale of children for adoption, which made them mere chattels. Every child had the right to a family or, if he had no family of his own, to a family provided by society in accordance with the legal procedures in force, and not as part of an abominable traffic in children. In her delegation's view, the Special Rappporteur's consideration of the issue would make a useful contribution to the work of the Hague Conference on Private International Law, which was currently drafting a new international convention on inter-country adoption. The safeguards to be established to protect adopted children (see para. 16 of the report) were fairly weak, since article 21 of the Convention on the Rights of the Child, which dealt with that issue, had given rise to serious concern among some delegations and had even been the subject of reservations or varying interpretations by several States after the Convention had been adopted.

29. Her delegation considered that child labour, as defined by ILO, should be distinguished from the exploitation of the labour of children by criminals wishing to gain financial advantage from it.

30. Her delegation hoped that, as the Special Rapporteur progressed in his work, he would submit to the Commission as detailed a table as possible of the serious violations committed against children who were the victims of any form of sale or trafficking, since the first report did not deal with some issues, such as trafficking in refugee children, child soldiers or the sale of children to groups of criminals. In general, however, her delegation endorsed the report's views on the measures to be taken and the conclusions and recommendations of the Special Rapporteur.

31. On the subject of the programme of action submitted by the Sub-Commission (E/CN.4/Sub.2/1989/39), her delegation wondered whether the Working Group on Contemporary Forms of Slavery should perhaps revise the programme in the light of Mr. Muntarbhorn's report and the comments of the organization Defence for Children International contained in document E/CN.4/1991/50/Add.1, whose views her delegation shared.

32. Her delegation hoped that the Convention on the Rights of the Child and the Declaration and Plan of Action adopted by the World Summit for Children on 30 September 1990 would help to improve the situation of all children. The President of Venezuela had proposed at the Summit that all States parties should hold a national conference on children, involving both the public and the private sectors, one year after they had ratified the Convention in order to evaluate the national situation of children and consider measures to improve it. Such a conference was to take place in Venezuela on 29 August 1991, one year after the enactment of the law which had given legal force to the Convention in her country.

33. Mr. LOPEZ (Peru) welcomed the fact that the Commission had decided to bring the various questions affecting the rights of the child together under article 24 of its agenda. The Convention on the Rights of the Child, the World Declaration on the Survival, Protection and Development of Children, and the Plan of Action for Implementing the Declaration in the 1990s, adopted by the World Summit for Children, would be among the foundations of the current economic and social programme in Peru, since one of the basic elements of that programme of stabilization and emergency aid was the project for nutrition and health assistance for Peruvian children.

34. His delegation wished to stress that Peru had been one of the first countries to ratify the Convention. Child survival was one of the priorities of his Government's social programmes which, if fully implemented, should contribute to the eradication from Peru of one of the many causes of the structural violence evident in Latin American societies.

35. The international community as a whole must without delay create the necessary conditions for child survival and development in the third world. His delegation therefore encouraged the developed countries, the international financial institutions and intergovernmental organizations to increase their cooperation, both qualitatively and quantitively, in order to guarantee the security and health of children.

36. Lastly, his delegation wished to express its satisfaction at the election of a Peruvian expert to the new Committee on the Rights of the Child, and thanked everyone who had supported his nomination.

37. Mrs. GALVIS (Colombia) welcomed the considerable progress that had been made at the international level in the protection of children. The swift entry into force of the Convention on the Rights of the Child bore witness to Governments' desire to respond to the appeal of the international community to resolve the problems affecting the well-being of that population group whose adult life would begin with the next century. The realization of the aims of the Convention would be one of the best ways of guaranteeing future generations peace and social justice, also depended to a great extent on justice in the application of the law and respect for minorities.

38. The exploitation of children took extremely varied and complex forms, and was encouraged by very different circumstances. Mr. Muntarbhorn, the Special Rapporteur had listed the best known and most common forms of exploitation, but there were more subtle forms which were no less detrimental to the all-round development of children. Among them was advertising and the manipulation of children through violence, fear, loneliness or their emotions. A child manipulated in that way was just as unhappy as one who suffered from poverty.

39. Her delegation was pleased to note that the World Declaration and the Plan of Action which had been adopted by the World Summit for Children in September 1990 were among the Commission's working documents. Those texts expressed the commitment of States to take measures to eliminate the genuine serious problems which affected children in the fields of health, education, nutrition and the environment, and stressed the role of women and the family in those measures. They would provide a general framework for the programme of action proposed by the Sub-Commission to combat the sale of children, child prostitution and child pornography, on the one hand, and the exploitation of child labour, on the other. Her delegation endorsed the recommendations made by the Special Rapporteur in his report (E/CN.4/1991/51) and considered that he should join forces with the Working Group on Contemporary Forms of Slavery in order to take the final decisions on future action.

40. The proposals submitted by various Governments and the relevant specialized agencies and NGOs should also help to improve the programme and, in particular, adapt it to meet certain specific situations. In particular,

Colombia considered that, since the family lay as it were at the root of the problem, it should be the focus of action; as to the beneficiaries of the various forms of child exploitation, education would play an essential part in changing attitudes.

41. Child exploitation had its roots in the family. Its primary cause was necessity; even though poverty was due to factors outside the family, it still determined the family's conditions of existence. Paid work must therefore be encouraged in the developing countries if children were not to continue to be sold or given over to prostitution or pornography.

42. There was another cause, linked to the first, but also due to the new ways in which the family unit was organized, namely, neglect and abandonment of children. Nowadays, conjugal, parental and filial love was too often subordinated to practicality, comfort, consumerism and technology. If the family was to adapt to the new kind of human relations which had developed without forgetting its responsibilities towards the children, it must be given special attention. There was no question of returning to the traditional male/female relationship now that women were taking a more active part in working life and contributing more directly than before to social, economic and cultural progress; what the family needed was for each spouse to acknowledge the other's opportunities for personal development and the responsibilities of the family unit.

43. That new perspective which, however the family was organized, must take into account the rights of the child could not be imposed by law, but must be learned. The family must be educated and - Colombia's second proposition - parents must be taught that, in the very exercise of their responsibilities, they ran the risk of harming the physical and moral integrity of their children and that, in society in general, punishment, abandonment or, on the other hand, overprotection was likely to encourage phenomena such as the sale and exploitation of children. It was therefore incumbent on the State, the specialized agencies and NGOs to pay all due attention to the family from that standpoint as well.

44. It was once again necessity which lay at the root of the exploitation of child labour. The international community had envisaged all kinds of activities to eliminate the problem, but without much success; it must therefore be approached from another angle, and the Programme of Action proposed by the Sub-Commission for the elimination of the exploitation of child labour could be recommended as one way of doing that. Of course, there were national laws to protect children against exploitation but, once again, poverty and underdevelopment played a major part. If the law was to influence the situation, it was essential to convince all concerned that the best work for a child was school work and preparation for life, which would enable him both to develop as a person and to enhance his productive potential. The participants in the World Summit for Children had described children as innocent, vulnerable and dependent, but also curious, active and full of hope. That was undeniable, but the child must also be viewed as a human being preparing for independence and responsibility, who must be fully respected as an individual.

45. Colombia had ratified the Convention on the Rights of the Child in that spirit. The ratification had been recent, but the authorities had already distributed the text of the new instrument throughout the country in the

second half of 1989. It was now available to all teachers, whose task it was to forge the link between the world of children and the world of adults in accordance with the principles enshrined in the Convention.

46. Mr. Martius (Germany) took the Chair.

47. Mr. AL-KADHI (Iraq) stated that the Convention on the Rights of the Child enshrined the general principles of humanitarian law, in time of war and peace as they affected children. Iraq had recently been the victim of aggression which constituted a serious violation of several of those principles. Article 24 of the Convention imposed an obligation on States parties to guarantee children the health care and food they needed. The States members of the coalition had violated those rights by imposing an economic blockade which had stopped medicine and food imports, by bombing a baby-milk factory and by bombing towns and villages generally, with serious consequences for the physical and mental health of young people, and by destroying water and electricity supply networks, which had encouraged - and would continue to encourage - the spread of disease, particularly in children. The Iraqi Red Crescent had recorded 5,000 child deaths, and many of the children who needed care had been deprived of it by the destruction of a large number of health centres.

48. The coalition forces had also violated article 38 of the Convention, which stated that the provisions of international humanitarian law must be respected in times of armed conflict - provisions which also protected children. The destruction of civilian housing in Iraq had claimed many victims, and so had the destruction of civilian air-raid shelters, including the deliberate destruction of a shelter in which inhabitants of Baghdad had sought refuge.

49. The aggressor States would, in the eyes of posterity, bear direct responsibility for that flagrant and brutal violation of the provisions of the Convention on the Rights of the Child and of international law in general. The international community should act with all speed to put an end to the economic blockade and allow the children of Iraq to regain their rights.

50. Those serious violations reflected the flagrant contradiction between the laws which protected children in times of armed conflict and their application in practice; they showed the fragility of attempts to promote and implement humanitarian principles in the world.

51. Mrs. MENEZ-ROSAL (Philippines) said that events since the adoption of the Convention on the Rights of the Child showed the high priority which the international community attached to the protection of those rights. In just one year, 134 States had signed, acceded to or ratified the Convention, the Committee on the Rights of the Child had recently been established, and the World Summit for Children in September 1990 had adopted the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the Declaration. Close attention would thus be paid to the implementation of the Convention, and the international community had not only reaffirmed its determination to protect children's rights, but had set itself objectives to be fulfilled by the year 2000.

52. The Philippines had been one of the first States to ratify the Convention - the substance of which was already enshrined in its domestic law - because it was the only international instrument which dealt expressly and exclusively with the protection of children. Moreover, the Philippines had already begun its activities under the Plan of Action for Implementing the Declaration. In particular, an information campaign on children's rights had begun in Manila in May 1990, and the Philippines had been represented at the regional seminar held in Bangkok to discuss the ratification of the Convention by Asian countries.

53. Her delegation had taken note of Mr. Muntarbhorn's report (E/CN.4/1991/51), a commendable work covering the main issues raised by the sale of children, child prostitution and child pornography, including their causes, and the policies and action programmes, with appropriate budgetary commitments, which should be undertaken at the national and international levels.

54. Her delegation strongly supported the Special Rapporteur's recommendation about the need to create a network of contacts at both the national and international levels and in the governmental and non-governmental sectors, so as to provide an information base for the collection of data and evidence about the practices in question.

55. It was therefore essential, if the Special Rapporteur was to carry out his task effectively, to give him the special mandate of visiting various parts of the world, on a balanced geographical basis, to gain a better understanding of the issues involved and the initiatives undertaken in various countries. All States should invite the Special Rapporteur to visit them and should provide him with all necessary information.

56. Mr. VIGNY (Observer for Switzerland) welcomed the fact that the Commission had decided to place item 24, which brought together all issues concerning the rights of the child, on its agenda. Now that the Convention on the Rights of the Child had entered into force and the Committee on the Rights of the Child had been elected, the Commission, too, should play its part in promoting the implementation of the Convention, which usefully complemented the more general instruments that protected the rights of every individual, such as the two International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

57. Switzerland intended to sign and ratify the Convention very shortly, in an act of international solidarity which would parallel its considerable efforts in support of children in its development cooperation programmes and humanitarian aid programmes, particularly those executed in conjunction with UNICEF.

58. The Convention must be implemented in practice not only by each State party, to the extent of the resources available to it, but also at the international level, which might include the adoption of other international instruments to cover specific situations affecting children. At present, for instance, the Hague Conference on Private International Law was working on a new convention on inter-country adoption, and the World Summit for Children had drawn up a Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

59. If the objectives of the Convention were to be realized in practice, it was also essential to implement the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography. Mr. Muntarbhorn had recommended "immediate action for needy cases" in his report (E/CN.4/1991/51, para. 68). The Swiss delegation fully acknowledged the importance of such measures and considered that the Special Rapporteur, in his final report, should give priority to proposals for effective action in that area. He should also be in a position to gather all available reliable information on the frequency and extent of child exploitation in all its forms.

60. In the opinion of the Special Rapporteur, which the Swiss delegation endorsed, if such practices were to be combated the phenomenon must be considered from a multidisciplinary point of view, and a whole range of social, economic, political and budgetary measures must be adopted at the national level, taking into account the close link between a country's level of development and the situation of children.

61. In times of armed conflict, children were the most vulnerable civilian group. Their sufferings were currently the subject of a memorable exhibition at the Museum of the Red Cross and Red Crescent. Switzerland wished to remind the Commission of international humanitarian law as it affected children, particularly the Geneva Conventions of 1949 and the Additional Protocols of 1977. Switzerland regretted that it had not been possible to incorporate those protective provisions in their entirety in the Convention on the Rights of the Child; it was nevertheless pleased that the Convention included provisions expressly applicable to the situation of children in armed conflicts. It wondered whether the Special Rapporteur might not, at some stage, consider whether situations in which children were recruited into armies, and in particular into other armed groups, might be considered a form of exploitation.

62. Ms. ALEXIU (Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM)) said that, sadly, the sale of children, child prostitution and child pornography were not the only violations of children's rights. Children who worked in unhealthy conditions, children who lived in the street and were quickly reduced to crime and drug addiction in order to survive, children who were recruited in time of war or internal conflict to bear arms, face death and perhaps kill others, children who were imprisoned with adults and children who were condemned to death were also the victims of violations of their rights.

63. Despite the adoption of the Convention on the Rights of the Child more than a year before, children's rights were still violated very frequently, particularly in certain countries. She herself still had no news of her children who had disappeared in Buenos Aires in 1977, or of the grandchild due to be born in November of that year, and her case was far from unique. That was an unusual violation of the rights of the child - disappearance for political reasons. In Uruguay, Chile and especially in Argentina, many child disappearances had been recorded; the children, if still alive, had been deprived of their identity, their history and their roots and were perhaps now living with the people who had tortured or killed their mothers.

64. In Argentina, the organization "Abuelas de la Plaza de Mayo" had traced only 50 of the 250 children on their lists. In order to identify them, they had been able to run immunogenetic tests through an official service

established by the national executive authority. But apart from that, although Argentina had signed the Convention on the Rights of the Child and was familiar with the provisions of articles 7 and 8, it did not have the necessary political will to clear up the situation of the missing children once and for all, and the judiciary, which was not entirely independent, would not take the necessary decisions to enable grandchildren to be returned to their families.

65. There were, unfortunately, similar cases in Peru, Guatemala and El Salvador. She called for particular attention to be paid to that serious problem, as part of the follow-up of the World Summit for Children, in order to ensure that such events did not happen again.

66. The families of missing detainees could not ignore the situation of children in the Persian Gulf, who were suffering the horrors of war - horrors that would mark them for a long time to come. The tragic events they had experienced, and were still experiencing, could have been avoided. Her organization called upon the United Nations to play its proper role, which was to defend peace and not to start wars with unforeseeable consequences. In particular, it called upon the Commission to demand, during the year ahead, that Governments should fully respect agreements for the protection of children. As for the missing children in Latin America, it called upon the Argentine and Uruguayan Governments to speed up action to identify those children and restore them to their true families.

67. Ms. BRIDEL (International Association of Democratic Lawyers) expressed condemnation of trafficking in organs removed from destitute children. The press had already reported that criminal practice in the late 1980s; according to various rumours, six Latin and Central American countries, among others, had been concerned.

68. It was very difficult to verify the facts because the events took place in secret, but testimony had shown that there had been traffic in children's and adults' organs in Haiti, Brazil and Colombia, where a group of journalists had conducted an investigation and made a film about street children in Bogota whose eyes had been removed. She cited a number of cases, reported by the journalists, of children whose eyes or kidneys had been removed. In Bogota, street children were murdered, often with a bullet through the head, by paramilitary groups and the MAG ("Muerte a gamines"). Of the 12,000 children who had been living on the streets of Bogota, there were no more than 1,000 left. If they had not been executed, it would seem that they had been used in the most horrible fashion for organ transplants. The French journalists who had made the film about street children in Bogota had not been able to return to Colombia to finish their investigation for security reasons, and witnesses of the criminal acts concerned had been subjected to threats. It was also thought that trafficking in kidneys took place in India, particularly in Bombay, where the donors were said to be children, sometimes as young as six, or extremely poor and ignorant adults; the recipients were said to come from certain Gulf States. That traffic, which was not forbidden under any law, was said to earn a great deal of money for physicians and surgeons, as well as the middle men. The same traffic in kidneys had been discovered between Turkey and the United Kingdom, but that had involved adult donors.

69. In 1990, WHO had denounced the dreadful traffic in human organs. In resolution WHA/42.5, it had called upon member States to take appropriate measures to prohibit the buying and selling of human organs for transplants. However, groups of criminals cared little for such prohibitions; the entire international community would therefore have to mobilize in order to bring the traffic to an end. In Paris, the Centre for Ethics in Medical Research had considered the problem on several occasions and had held meetings with WHO to find ways of discovering those responsible. Although it was very difficult to obtain proof, there was no cause for despair, because many international agencies, in particular WHO, intended to tackle the problem. The International Association of Democratic Lawyers called upon the Working Group on Contemporary Forms of Slavery to continue its investigations, and upon all NGOs which wished to protect children to pool their efforts to put an end to that abominable trade, wherever it occurred in the world.

70. Ms. REGAZZOLI (Argentina) reminded the Commission that her country had over many years participated in the drafting of the Convention on the Rights of the Child, which it had ratified on 5 December 1990. She wished to take the opportunity to thank Mr. Muntarbhorn for his report (E/CN.4/1991/51). She observed that the rights enshrined in the Convention were applicable in all countries, regardless of their legal and social system, and welcomed the fact that so many States had ratified it. She stressed that the preamble to the Convention, like that of the Declaration of the Rights of the Child of 1959, stated that: "The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth". Stress should also be laid upon the importance of article 8 of the Convention, which said that States parties must respect the right of the child to maintain its identity and that they should, in that connection, provide appropriate assistance and protection to enable the child's identity to be established or re-established if necessary, and as quickly as possible. Her delegation had played a part in the drafting of that article, having been touched by the cases of enforced or involuntary disappearances which had occurred in Argentina during the military dictatorship. Under that régime, children had been taken from their parents, as part of the policy of repression, and placed with families who had not always been aware of their origins and who had passed them off as their own children or had, at best, initiated adoption procedures.

71. As to the problem of inter-country adoption, her delegation felt that the provisions of the Convention constituted a considerable step forward in the campaign to preserve the children's cultural identity as far as possible, to avoid the adverse consequences of uprooting children from their environment and to combat fraudulent practices.

72. Today, the trafficking and sale of children and the prostitution of children from the poorest sectors of society were new forms of violation of human rights, to which the international community could not remain indifferent. Governments must accordingly do everything in their power to solve those problems.

73. Turning to the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, which the President of the Argentine Republic

had attended, she stressed the problem of hunger and malnutrition, which affected more than 20 million children across the world. The entire international community must take the necessary measures to terminate that situation as quickly as possible.

74. She wished to emphasize cases of children who suffered physical and psychological violence within their own families. People who had been deprived of protection, affection and respect in early childhood would not be as independent and resistant to the influence of others as people who had grown up in favourable conditions. They would tend to respect the law purely out of fear and to obey the political régime which they considered to be the strongest, however inhuman it was. It should be emphasized that the totalitarianism which many Latin American countries had suffered was not limited to politics; it extended to the family and the individual, who saw it as a behavioural model.

75. Today, the growing poverty and unemployment in third-world countries had serious consequences for family life and hampered the development of children, and thus of individuals.

76. In conclusion, she wished to quote Eva Peron, who had always said: "Peoples who forget their children are renouncing their future".

77. Mr. MELIK (Movement Against Racism and For Friendship among Peoples) said that he again wished to draw the Commission's attention to the harrowing fate of Kurdish children in Turkey. At the beginning of the Gulf crisis, Turkey had informed the Council of Europe that it had suspended the application of the European Convention on Human Rights in its Kurdish provinces and that, when it had ratified the Convention on the Rights of the Child, it had lodged reservations on articles 17, 29 and 30, which directly affected Kurdish children. In Turkey, every Kurdish child was denied the right to be a child since he was subjected to constraints which, as a minor, he should not have to suffer. The Government, taking its policy of assimilating the Kurdish population to extremes, even forbade parents to give their children certain Kurdish names.

78. Under the same policy, children could not be educated in their mother tongue, and every morning on arriving at school they were obliged to recite the formula: "Happy is he who can call himself a Turk". Moreover, they suffered from the climate of terror which reigned in south-eastern Turkey. Many Kurdish villages were surrounded by the Turkish army: no one was able to leave his village without being shot, and the villagers were unable to fetch food, water or medicines or seek medical assistance. Both children and adults were subjected to repression, intimidation and harassment. Not only were they unable to obtain what they needed to live, but they continued to suffer the effects afterwards.

79. Even more seriously, the Turkish Government was threatening children's right to life. In November 1990, State Security Courts No. 1 and No. 2 in Diyarbakir had called for the death penalty for 28 Kurdish children aged between 11 and 17 years. More than 120 children were being held in Diyarbakir prison, and on 21 December 1990 one of them, aged 14, had been sentenced to death. Those abominable decisions constituted a flagrant violation of the Convention on the Rights of the Child, which Turkey had ratified.

80. He wished to inform the Commission that a delegation of members of the International Federation of Human Rights, the French organization Médecins du Monde and the Movement Against Racism and For Friendship among Peoples had visited Kurdistan from 17 to 24 February 1991. Although the delegation had been under constant surveillance by the Turkish political police, it had ascertained that Kurds, including children aged under 16, had been the victims of arbitrary arrest, that the arrests most often stemmed from a crime of opinion - namely, believing in the existence of a Kurdish identity, and that those arrested were subjected to ill-treatment and torture.

81. By ratifying the Convention on the Rights of the Child, Turkey had made a commitment to guarantee the well-being of children, to encourage their development and to protect them against any form of exploitation and degrading treatment. Everything he had said showed that Turkey was violating the Convention, particularly article 37.

82. His organization therefore urged the Commission to do everything in its power to bring about the abolition of the death penalty in Turkey and to appoint a special rapporteur for Kurdistan.

83. Ms. ALAI (Baha'i International Community) said that she was also speaking on behalf of the following organizations: International Council of Jewish Women, International Fellowship of Reconciliation, International League for Human Rights, International Movement for Fraternal Union among Races and Peoples, International Movement ATD Fourth World, La Leche League International, World Association for World Federation, World Federation of Methodist Women, World Federation of Trade Unions and Zonta International.

84. With its adoption of the Declaration of the Rights of the Child in 1959, the international community had acknowledged that children needed special protection. Thirty years later, the unanimous adoption of the Convention on the Rights of the Child by the United Nations General Assembly, and the large number of States which had signed it on the day it had been opened for signature, showed that the international community fully acknowledged the importance of children's rights. The Convention would be an essential instrument for the realization and protection of children's rights throughout the world. Future generations would be better able to guarantee respect for human rights if the rights of the children of today were protected. For that reason, it was essential for States parties to implement fully the provisions of the Convention.

85. The Committee on the Rights of the Child, established pursuant to the new Convention, was an important component of the monitoring process. By submitting regular reports to the Committee, States parties would provide information about the measures they had taken to promote the rights enshrined in the Convention and the progress they had made. It was to be hoped that NGOs would be able to work effectively with the Committee and place their insight and expertise at the service of Governments and United Nations agencies, a step which would also enhance the coordination of activities.

86. It should be stressed that the progressive realization of children's rights required a long-term commitment, and that education was a vital element in the development of children's personality, gifts and mental and physical

aptitudes to their full potential, as well as being essential for the progress of any society. In the words of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children in September 1990: "Besides its intrinsic value for human development and improving the quality of life, progress in education and literacy can contribute significantly to improvement in maternal and child health, in protection of the environment and in sustainable development".

87. The Plan of Action went on to say: "Investment in basic education must be accorded a high priority in national action as well as international cooperation" (E/CN.4/1991/59, p. 13, para. 21). At the World Conference on Education for All, in Jomtien, Thailand, the NGOs represented and the great majority of States had committed themselves to a significant increase in educational opportunities for over 100 million children and about 1 billion adults. In order to do that, development activities aimed at young children must be expanded, to guarantee universal access to basic education. It would also be necessary to use all available educational channels, including the media, to disseminate knowledge, skills and values which would improve the quality of life of children and their families. Article 17 of the Convention on the Rights of the Child stipulated: "States parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health". The NGOs had an important role to play in implementing the provisions of that article.

88. In view of the situation of children in the world and the abuses they suffered, practical action must be taken in accordance with the Convention. The NGOs on whose behalf she had spoken proposed that activities should be intensified and resources increased in order to ensure, once and for all, that future generations would inherit a better world.

The meeting rose at 1 p.m.